

AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1563

Introduced by Assembly Member Battin

February 26, 1999

An act to add Section 2800.4 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1563, as amended, Battin. Vehicles: crimes: failure to stop.

(1) Existing law makes it a misdemeanor for any driver to willfully flee or otherwise attempt to elude a pursuing peace officer's motor vehicle if certain conditions exist.

This bill would make it a felony, punishable by imprisonment in the state prison for 3, 4, or 5 years, for a person operating a motor vehicle to *willfully* fail to stop that vehicle when certain conditions exist, including that the person continues driving for not less than ~~one minute~~ 2 *minutes* past the time when, or the person continues driving for not less than ~~one mile~~ 2 *miles* past the point where, he or she knew or reasonably should have known that he or she was being pursued by a peace officer.

The bill would thus impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2800.4 is added to the Vehicle
2 Code, to read:

3 2800.4. A person is guilty of a felony, punishable by
4 imprisonment in the state prison for a term of three, four,
5 or five years, if the person is operating a motor vehicle
6 and, *with the intent to evade, willfully* fails to stop that
7 vehicle when all of the following conditions exist:

8 (a) The person's vehicle is being pursued by a peace
9 officer's motor vehicle that is exhibiting at least one
10 lighted red lamp visible from the front and the person
11 either sees or reasonably should have seen the lamp.

12 (b) The peace officer's motor vehicle is sounding a
13 siren as may be reasonably necessary.

14 (c) The peace officer's motor vehicle is distinctively
15 marked.

16 (d) The peace officer's motor vehicle is operated by a
17 peace officer, as defined in Chapter 4.5 (commencing
18 with Section 830) of Title 3 of Part 2 of the Penal Code,
19 and that peace officer is wearing a distinctive uniform.

20 (e) Either of the following:

21 (1) The person continues driving for not less than ~~one~~
22 ~~minute~~ *two minutes* past the time that he or she knew or
23 reasonably should have known when he or she was being
24 pursued by a peace officer.

25 (2) The person continues driving for not less than ~~one~~
26 ~~mile~~ *two miles* past the point where he or she knew or
27 reasonably should have known that he or she was being
28 pursued by a peace officer.

29 SEC. 2. No reimbursement is required by this act
30 pursuant to Section 6 of Article XIII B of the California
31 Constitution because the only costs that may be incurred

1 by a local agency or school district will be incurred
2 because this act creates a new crime or infraction,
3 eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section
5 17556 of the Government Code, or changes the definition
6 of a crime within the meaning of Section 6 of Article
7 XIII B of the California Constitution.

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